

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

PAUL CLARENCE BAILEY

Plaintiff,

VS.

**BAC HOME LOANS SERVICING, LP,
f/k/a COUNTRYWIDE HOME LOANS
SERVICING, LP AND n/k/a BANK OF
AMERICA, N.A.,
Defendant.**

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Case No. 4:11CV590

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 13, 2012, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Bank of America's Motion to Dismiss (Dkt. 26) be GRANTED as to Plaintiff's breach of contract, FDCPA, RICO, and predatory lending/civil and Constitutional rights claims and that those claims be dismissed with prejudice and that Defendant Bank of America's Motion to Dismiss (Dkt. 26) be DENIED as to Plaintiff's claims under RESPA and Plaintiff's claims of fraudulent misrepresentation. No objections were filed to that report.

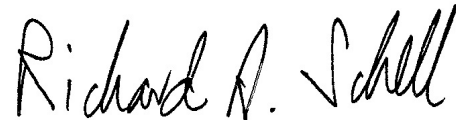
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the

Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court.

Therefore, Defendant Bank of America's Motion to Dismiss (Dkt. 26) is GRANTED as to Plaintiff's breach of contract, FDCPA, RICO, and predatory lending/civil and Constitutional rights claims and that those claims are dismissed with prejudice. Defendant Bank of America's Motion to Dismiss (Dkt. 26) is DENIED as to Plaintiff's claims under RESPA and Plaintiff's claims of fraudulent misrepresentation and those claims remain at this time.

IT IS SO ORDERED.

SIGNED this the 18th day of March, 2013.

A handwritten signature in black ink that reads "Richard A. Schell". The signature is written in a cursive, flowing style.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE